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8 MBBW File No. 12-L0513

9 Attorneys for Defendants
10 BANK OF AMERICA, N.A.

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 Perry and Wanda Turpin,) Case No.: 2:12-cv-01694-GMN-PAL
14)

15 Plaintiff(s),)

16 -vs-)

17 **DISCOVERY PLAN**

18 Bank of America, N.A.)

19 PO BOX 650070)

20 Dallas, Texas 75265)

21 Defendant(s).)
22)
23)
24)
25)
26)
27)
28)

DISCOVERY PLAN

Defendant Bank of America, N.A. ("BANA") by and through its attorneys of record, the law firm of Miles, Bauer, Bergstrom & Winters, LLP, and Plaintiffs Perry and Wanda Turpin ("Plaintiffs"), appearing pro se, having held their Fed. R. Civ. P. 26(f) conference on March 28, 2013, hereby submit their Discovery Plan pursuant to Fed. R. Civ. Proc. 26(f)(2)-(3).

A. CHANGES IN THE TIMING, FORM OR REQUIREMENT FOR DISCLOSURES UNDER RULE 26(A), INCLUDING A STATEMENT OF WHEN INITIAL DISCLOSURES WERE MADE OR WILL BE MADE.

Plaintiffs and BANA agree that disclosures pursuant to Fed. R. Civ. P. 26(a) should be stayed until the Court rules on BANA's Motion to Dismiss (Doc. 11). The Motion to Dismiss is fully briefed and waiting for the Court's ruling. The Motion to Dismiss seeks to dismiss the entire Complaint on file in this matter, and BANA anticipates it will be granted based on previous experiences with foreclosure type complaints. Plaintiffs and BANA agree that disclosures pursuant to Fed. R. Civ. P. 26(A) should be made within 14 days of holding a supplemental Fed. R. Civ. P. 26(f) conference, which should be held within 21 days after the Court rules on the Motion to Dismiss assuming any claims survive the Motion to Dismiss.

B. THE SUBJECT ON WHICH DISCOVERY MAY BE NEEDED, WHEN DISCOVERY SHOULD BE COMPLETED, AND WHETHER DISCOVERY SHOULD BE CONDUCTED IN PHASES OR BE LIMITED TO OR FOCUSED ON PARTICULAR ISSUES.

Plaintiffs and BANA agree that discovery should be stayed until the Court rules on BANA's Motion to Dismiss (Doc. 11). The Motion to Dismiss is fully briefed and waiting for the Court's ruling. The Motion to Dismiss seeks to dismiss the entire Complaint on file in this matter, and BANA anticipates it will be granted based on previous experiences with foreclosure

1 complaints. Staying discovery will save the parties time and cost on causes of action and
2 issues, which may be ultimately dismissed. In the event that some, but not all of Plaintiffs'
3 claims or causes of action are dismissed, the parties will still be in a better position to narrow
4 down discovery issues and provide the Court with a better timeline for discovery.
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7 **C. ISSUES ABOUT DISCLOSURE OR DISCOVERY OF ELECTRONICALLY**
8 **STORED INFORMATION, INCLUDING THE FORM OR FORMS IN**
9 **WHICH IT SHOULD BE PRODUCED.**

10 At this time, Plaintiffs and BANA do not anticipate there will be any issues concerning
11 the discovery of electronically stored information.
12

13 **D. ANY ISSUES ABOUT CLAIMS OF PRIVILEGE OR OF PROTECTION AS**
14 **TRIAL - PREPARATION MATERIALS, INCLUDING – IF THE PARTIES**
15 **AGREE ON A PROCEDURE TO ASSERT THESE CLAIMS AFTER**
16 **PRODUCTION – WHETHER TO ASK THE COURT TO INCLUDE THEIR**
17 **AGREEMENT IN AN ORDER.**

18 Plaintiffs and BANA agree to revisit this issue at the supplemental Fed. R. Civ. P. 26(f)
19 conference, which should be held within 21 days after the Court rules on the Motion to Dismiss
20 assuming any claims survive BANA's Motion to Dismiss.
21

22 **E. WHAT CHANGES SHOULD BE MADE IN THE LIMITATIONS ON**
23 **DISCOVERY IMPOSED UNDER THESE RULES OR BY LOCAL**
24 **RULE, AND WHAT OTHER LIMITATIONS SHOULD BE IMPOSED.**

25 See Plaintiffs' and BANA's view as set forth in Sections A & B.
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**F. ANY OTHER ORDERS THAT THE COURT SHOULD ISSUE UNDER
RULE 26(C) OR UNDER RULE 16(B) AND (C).**

See Plaintiffs' and BANA's view as set forth in Sections A & B.

DATED this 14th day of ~~March~~ ^{April}, 2013.

MILES, BAUER, BERGSTROM &
WINTERS, LLP



Jory C. Garabedian, Esq.
Nevada Bar No. 10352
2200 Paseo Verde Pkwy, Suite 250
Henderson, Nevada 89052
Attorney for Defendant:
BANK OF AMERICA, N.A.

DATED this ____ day of March 2013.

PERRY TURPIN

5204 Wapiti Point Court
Las Vegas, NV 89130
Plaintiff, pro se

WANDA TURPIN

5204 Wapiti Point Court
Las Vegas, NV 89130
Plaintiff, pro se

1 **F. ANY OTHER ORDERS THAT THE COURT SHOULD ISSUE UNDER**
2 **RULE 26(C) OR UNDER RULE 16(B) AND (C).**

3 See Plaintiffs' and BANA's view as set forth in Sections A & B.

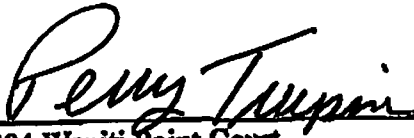
4
5 DATED this ____ day of March, 2013.

6 MILES, BAUER, BERGSTROM &
7 WINTERS, LLP

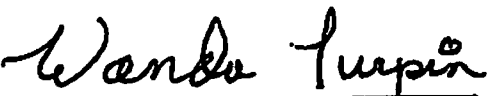
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9
10 Jory C. Garabedian, Esq.
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12 2200 Paseo Verde Pkwy, Suite 250
13 Henderson, Nevada 89052
14 Attorney for Defendant:
15 BANK OF AMERICA, N.A.

DATED this 29TH day of March 2013.

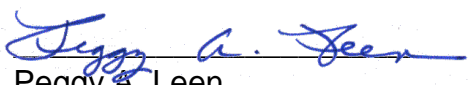
PERRY TURPIN


5204 Wapiti Point Court
Las Vegas, NV 89130
Plaintiff, pro se

WANDA TURPIN


5204 Wapiti Point Court
Las Vegas, NV 89130
Plaintiff, pro se

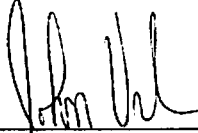
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20 IT IS SO ORDERED this 16th day
21 of April, 2013.

22 
23 Peggy A. Leen
24 United States Magistrate Judge
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 15th, 2013, I sent a true and correct copy of the foregoing **DISCOVERY PLAN** via First Class United States Mail, postage pre-paid, to the parties addressed below:

Perry & Wanda Turpin
5204 Wapiti Point Court
Las Vegas, Nv 89130
Plaintiffs, pro se


An Employee of MILES, BAUER,
BERGSTROM & WINTERS, LLP